

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63780 of 2025

Arising Out of PS. Case No.-766 Year-2025 Thana- Excise P.S. District- Aurangabad

Himanshu Kumar Singh S/o Ajay Kumar Singh R/o Village- Sattar, Post-
Sattar, P.S.- Mali Nabinagar, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rahul Kumar Singh

For the Opposite Party/s : Mr.Tarun Prasad Mandal

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-09-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Excise P.S. Case No. 766/2025 for the offence under Sections 30(a)/32(3) of the Bihar Prohibition and Excise Act lodged on 21.07.2025 by the informant, Bijay Kumar Pandit.

3. As per the prosecution story, the Police intercepted one motorcycle and there is recovery/seizure of 5 liters of country-made Mahua liquor and Ricky Kumar and Vakil Kumar were taken into custody. This led to the FIR.

4. Learned counsel for the petitioner submits that nothing has been recovered from his conscious possession nor he had anything to do with it. Only because the vehicle belongs to him which was given to the friends, implicated. The last submission is that he has no criminal antecedent.



5. Learned APP opposes the prayer submitting that the vehicle belongs to this petitioner.

6. Taking into account the submissions of the parties as also that two persons have been apprehended with the liquor, this petitioner has no criminal antecedent, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. If, however, it is found that contrary to the statement made in paragraph-3, the petitioner has criminal antecedent, the present order shall become infructuous.

8. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Special Judge, Excise II, Aurangabad, in connection with Excise P.S. Case No. 766/2025, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.:-

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date



before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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